REMARKS

Applicant has carefully reviewed the Application in light of the Office Action mailed August 13, 2004. At the time of the Office Action, Claims 1-31 were pending in the Application. Applicant amends Claims 1, 9, 17, and 25 and cancels Claims 7, 15, 23, and 30 without prejudice or disclaimer. The amendments to these claims are not the result of any prior art reference and, thus, do not narrow the scope of any of the claims. Furthermore, the amendments are not related to patentability issues and only further clarify subject matter already present. All of Applicant's amendments have only been done in order to advance prosecution in this case. Applicant respectfully requests reconsideration of the pending claims and favorable action in this case.

Section 102 Rejections

The Examiner rejects Claims 1-31 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,438,562 issued to Gupta (hereinafter "*Gupta*"). Applicant respectfully traverses this rejection for the following reasons.

Independent Claim 1, as amended, recites:

19. A method for processing a request using one or more database units coupled to a network, comprising:

communicating a request for a record to a central server;
receiving the request;
communicating the request to one or more nodes, wherein one or more of the nodes is operable to provide an interface between one or more associated database units and a network, and wherein one or more of the nodes is operable to communicate with each other;
identifying one or more target database units that store the record, wherein the central server is operable to identify one or more of the target database units, the central server comprising information indicating a location of the record that is included within one or more of the database units;
accessing the record, which is stored in one or more of the target database units;
processing the request based on the record that is stored in one or more of the target database units such that a response to the request is generated; and
returning the response to the request that is based on the record, which is stored in one or more of the target database units.

Applicant respectfully reminds the Examiner that a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described,

in a single prior art reference.[1] In addition, "[t]he identical invention <u>must</u> be shown in as complete detail as is contained in the . . . claims" and "[t]he elements <u>must</u> be arranged as required by the claim."[2] In regard to inherency of a reference, "[t]he fact that a certain result or characteristic <u>may</u> occur or be present in the prior art is not sufficient to establish the inherency of that result or characteristic."[3]

Using the preceding well-settled jurisprudence, it is clear that *Gupta* fails to anticipate Independent Claim 1. For example, *Gupta* fails to teach, suggest, or disclose a central server that is operable to receive a request for a record and to identify one or more of the target database units, the central server comprising information indicating a location of the record that is included within one or more of the database units, as recited in Independent Claim 1. The Examiner incorrectly cites a portion of *Gupta* for such a teaching. However, at the cited passage, *Gupta* only explains: "In the Internet example, a server 430 might transmit a requested code or message for an application program through Internet 428, ISP 426, local network 422 and communication interface 418. In accordance with the invention, one such downloaded application provides for an index update slave and an index update distribution table, as described herein." (See *Gupta* at Column 11: lines 7-13.) Thus, the architecture of *Gupta* provides a generic, uninformed server (presumably) for an Internet connection, but fails to offer any disclosure associated with a central server operable to receive a request for a record and to identify one or more of the target database units, the central server comprising information indicating a location of the record that is included within one or more of the database units. Accordingly, Independent Claim 1 is patentable over *Gupta*. Additionally, Independent Claims 9, 17, and 25 recite a similar limitation and, thus, are also allowable for analogous reasons. In addition, the corresponding dependent claims of these Independent Claims are also patentable over *Gupta* for at least these reasons. Written notice to this effect is respectfully requested from the Examiner in the form of a full allowance of the pending claims.

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[1] *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987); MPEP §2131.
[2] *Richardson v. Suzuki Motor Co.*, 9 USPQ 2d 1913, 1920 (Fed. Cir. 1989); *In re Bond*, 15 USPQ 2d 1566 (Fed. Cir. 1990); MPEP §2131 (*emphasis added*).
[3] MPEP §2112 (citing *In re Rijckaert*, 9 F.3d 1531, 1534, 28 USPQ 2d 1955, 1957 (Fed. Cir. 1993) (*emphasis in original*).

CONCLUSION

Applicant has now made an earnest attempt to place this case in condition for immediate allowance. For the foregoing reasons and for all other reasons clear and apparent, Applicant respectfully requests reconsideration and allowance of the pending claims.

Applicant believes no fee is due. However, if this is not correct, the Commissioner is hereby authorized to charge any additional fees or credit any overpayments to Deposit Account No. 05-0765 of Electronic Data Systems Corporation.

If there are matters that can be discussed by telephone to advance prosecution of this application, Applicant invites the Examiner to contact Thomas Frame at 214.953.6675.

Respectfully submitted,
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